

with the exercise of any power conferred by this title,¹ the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000.

(b) Application to others

If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title,¹ or knowingly obstructs or interferes with the exercise of any power conferred by this title,¹ he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than \$10,000.

(c) Civil penalty

A person violating this title,¹ or a regulation prescribed under this title,¹ shall be liable to the United States Government for a civil penalty of not more than \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(d) In rem liability

Any vessel that is used in violation of this title,¹ or of any regulation issued under this title,¹ shall be liable in rem for any civil penalty assessed pursuant to subsection (c) of this section and may be proceeded against in the United States district court for any district in which such vessel may be found.

(e) Withholding of clearance

(1) In general

If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under subsection (c) of this section, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty or fine under this section, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 60105 of title 46.

(2) Clearance upon filing of bond or other surety

The Secretary may require the filing of a bond or other surety as a condition of granting clearance refused or revoked under this subsection.

(June 15, 1917, ch. 30, title II, § 2, 40 Stat. 220; Mar. 28, 1940, ch. 72, § 3(a), 54 Stat. 79; Nov. 15, 1941, ch. 471, § 3, 55 Stat. 763; Aug. 9, 1950, ch. 656, § 3, 64 Stat. 428; Pub. L. 107-295, title I, § 104(b), Nov. 25, 2002, 116 Stat. 2085; Pub. L. 108-293, title VIII, § 802(b), Aug. 9, 2004, 118 Stat. 1079.)

REFERENCES IN TEXT

This title, referred to in subsecs. (a) to (d), means title II of act June 15, 1917, ch. 30, 40 Stat. 220, as amended, which enacted sections 191 and 192 to 194 of this title. For complete classification of title II to the Code, see Tables.

CODIFICATION

In subsec. (e)(1), “section 60105 of title 46” substituted for “section 4197 of the Revised Statutes of the United

States (46 U.S.C. App. 91)” on authority of Pub. L. 109-304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 60105 of Title 46, Shipping.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-293, § 802(b)(1), substituted “title” for “Act” in two places.

Subsecs. (d), (e). Pub. L. 108-293, § 802(b)(2), added subsecs. (d) and (e).

2002—Pub. L. 107-295 inserted subsec. headings, designated first par. as subsec. (a), redesignated former subsec. (a) as (b), and added subsec. (c).

1950—Subsec. (a). Act Aug. 9, 1950, added subsec. (a). 1941—Act Nov. 15, 1941, struck out “by the Secretary of the Treasury or the Governor of the Panama Canal” before “under the provisions of this title”.

1940—Act Mar. 28, 1940, increased term of imprisonment.

TERMINATION DATE OF 1950 AMENDMENT

For termination of amendment by act Aug. 9, 1950, see section 4 of act Aug. 9, 1950, set out as a note under section 191 of this title.

§ 193. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section, acts June 15, 1917, ch. 30, title II, § 3, 40 Stat. 220; Mar. 28, 1940, ch. 72, § 3(b), 54 Stat. 79, related to destruction of, injury to, or improper use of vessels. See section 2274 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

§ 194. Enforcement provisions

The President may employ such departments, agencies, officers, or instrumentalities of the United States as he may deem necessary to carry out the purpose of this title.¹

(June 15, 1917, ch. 30, title II, § 4, 40 Stat. 220; Aug. 9, 1950, ch. 656, § 2, 64 Stat. 428.)

REFERENCES IN TEXT

This title, referred to in text, means title II of act June 15, 1917, ch. 30, 40 Stat. 220, as amended, which enacted sections 191 and 192 to 194 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1950—Act Aug. 9, 1950, authorized President to employ such departments, agencies, etc., as he may deem necessary to carry out title II of act June 15, 1917.

TERMINATION DATE OF 1950 AMENDMENT

For termination of amendment by act Aug. 9, 1950, see section 4 of act Aug. 9, 1950, set out as a note under section 191 of this title.

§ 195. Definitions

In this Act:

(1) UNITED STATES.—The term “United States” includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

(2) TERRITORIAL WATERS.—The term “territorial waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.

¹ See References in Text note below.